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7 UNITED STATES DISTRICT COURT  
8 NORTHERN MARIANA ISLANDS  
9

10 UNITED STATES OF AMERICA, )

Criminal Case No. 07-00019

11 Plaintiff, )

12 v. )

13 RAYBURN, SAMUEL )

JOINT STATEMENT OF  
ELEMENTS OF THE OFFENSE

14 Defendant. )  
15 \_\_\_\_\_ )

16  
17 The above-captioned matter is set for jury trial to begin September 10, 2007 at 1:30 P.M. In  
18 preparation for said trial, the undersigned parties hereby agree and stipulate to the attached statement of  
the elements of each offense.

19 LEONARDO M. RAPADAS  
20 United States Attorney  
District of the Northern Mariana Islands

21  
22 \_\_\_\_\_/s/  
23 DANILO AGUILAR, ESQ.  
Attorney for Defendant

\_\_\_\_\_/s/  
ERIC S. O'MALLEY  
Assistant U.S. Attorney

24 Date: 9/5/07

Date: 9/5/07

25

COUNT I

To establish the offense of Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, a violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(C), the government must prove each of the following elements beyond a reasonable doubt:

1. That there was an agreement between two or more persons to distribute and possess with the intent to distribute a controlled substance (in this case, methamphetamine in the form known commonly as “ice”); and
2. that the defendant became a member of the conspiracy knowing at least one of its objects and intending to help accomplish it; and
3. that at least one member of the conspiracy took a substantial step toward committing the crime.

COUNT II

To establish the offense of Distribution and Possession with Intent to Distribute a Controlled Substance, a violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), the government must prove each of the following elements beyond a reasonable doubt:

1. That the defendant knowingly possessed a controlled, namely methamphetamine in a form commonly known as “ice”; and
2. the defendant intended to deliver the ice to another person.